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Remarks

It is observed that the Examiner rejected claims 1-11 and 18-20 as being unpatentable over Gibbens in view of Speth, claims 12-14 as being unpatentable over Gibbens and Speth, in view of Garneau and claims 21 and 22 as being unpatentable over Gibbens in view of Garneau.

According to the Examiner, the only difference between applicant's current claim 1 and Gibbens is that Gibbens does not disclose that the double-stretch padding is attached to the shorts in an absence of stitched seams.

However, Speth would disclose such feature and thus the combination of the two prior art documents would be obvious.

The applicant disagrees with the Examiner's interpretation of the documents in the name of Gibbens and Speth.

It is first of all observed that Gibbens discloses padded pant comprising:

- an elasticized waist band 2 and elasticized bands 3 and 4 which fit about the wearer's upper legs in a snug manner;
- pad confinement means 5;
- an inner main fabric member 6 of the pad confinement means, which has inwardly recessed segments which provide openings for pad means;
- pad means preferably made of synthetic, resilient foam material of cellular foam.

The main member 6 is instead made of a material having a napped or felt surface, one such suitable fabric being of polypropylene material.

The whole assembly thus consists of a cycling short with a padding coupled thereto, the cycling shorts being made of elastic material, the padding being made of a resilient material (even if it is not explicitly said by Gibbens that the padding is made of a material which a double-stretch material) covered by a layer (main member 6) of a material having a napped or felt surface, such as a fabric made of polypropylene fiber.

In summary, even if the pads of Gibbens (please note that it is said "pads" and not "padding" since the padding according to Gibbens is the result of the coupling of a fabric material made for example of polypropylene with the pads made of foam material) were double stretch elements (and this is not said by Gibbens since it is not his issue), the coupling of the pads with the external layer of fabric which is not elastic (in any case at least not a double-stretch material) would produce a "padding" that is not a double stretch one as claimed in the applicant's

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claimed invention.

The external fabric layer, not elastic, would deprive the pads of their elasticity, if any.

Thus, it can be said that Gibbens, apart from the fact that does not disclose the absence of stitching as correctly observed by the Examiner, does not even disclose the applicant's claimed structure made of the coupling of two double stretch materials having the same characteristics as regards elongation along multiple planes.

Thus, in Gibbens, the coupling of an elastic layer (the pads) with a layer that is surely not elastic in the true meaning of the word provides an assembly that cannot be elastic.

Even the combination of Gibbens with Speth would not provide any useful teaching or hint to the skilled man in the art apart that Speth discloses that the coupling can be made in the absence of stitches.

Still further, neither Gibbens, nor Speth nor anyone of the cited prior art documents even recognize the problem of having a support and a padding made of a double-stretch material having the same characteristics as regards elongation along multiple planes.

Thus, in view of the above, it is strongly believed that even the combination of Gibbens with Speth or with any other cited prior art documents would not lead the skilled man in the art to devise a protective element as claimed in independent claims 1 and 21.

Please note that applicant has slightly amended claim 21 to recite, in addition to the previously recited features, that the support and the padding are made of a double stretch-material having the same characteristics as regards elongation along multiple planes.

In view of the above, reconsideration of the pending claims is respectfully requested by the applicant.

Should the Examiner believe that the application is still not in an allowable condition only because of minor deficiencies, an informal phone conversation with the Examiner or an Examiner's Amendment are kindly requested by the Applicant.

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Respectfully submitted,



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